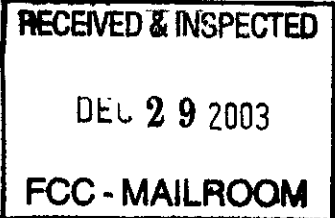


BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554



In the Matter of)	
)	
Federal-State Joint Board on)	
Universal Service)	CC Docket No. 02-6
)	
Petition of the Puerto Rico Department)	
of Education to Release Funds)	
Associated with the Schools and Libraries))	
Universal Service Support Mechanism)	
for Years 2001 and 2002)	

PETITION FOR RECONSIDERATION AND
REQUEST FOR A HEARING TO PRESENT EVIDENCE

NOW COMES Data Research Corporation ("DRC"), and requests reconsideration of the Order (the "Order") issued by the Federal Communications Commission (the "Commission") on November 14, 2003, which was released November 25, 2003. DRC also requests a hearing to present evidence. In support of this petition and request, DRC avers the following:

1. The interests of DRC were adversely affected by the Order in the following respects:
 - a. The Order directs USAC to review and process the funding requests of PRDOE for FY 2001 and 2002, other than those associated with DRC... (Order at p.7); and

- b. The Order states that it is appropriate for USAC to defer action indefinitely on all FRNs involving DRC because USAC is aware of an active law enforcement investigation allegedly related to DRC. (Order at p.10).
- 2. In the *Matter of Request for Immediate Relief filed by the State of Tennessee*, Order, CC Dockets No. 96-45, 97-21, FCC 03-161 (rel. July 2, 2003) (*Tennessee Order*) at para. 20, the Commission specifically stated that the subcontractor who was allegedly investigated “should have the opportunity to make its case at some future date that the remaining funds should be released to it for services rendered.” In the captioned case, however, the Commission has not reserved to DRC the opportunity to present evidence for the release of funds in partial payment of the services DRC provided to PRDOE. Therefore, DRC requests an opportunity to participate in these proceedings and to present evidence in support of its position.
- 3. DRC did not previously participate in these proceedings because it had no knowledge that PRDOE had begun formal proceedings before the Commission. In fact, while attorneys for PRDOE had represented that representatives of PRDOE had “meetings” with USAC, they never disclosed that formal proceedings were ongoing. DRC learned of the Commission’s Order only after

it was released on November 25, 2003.

4. In Paragraph 16 of the Order, the Commission recognizes “that indefinitely deferring action on applications could inadvertently harm individuals that ultimately will be cleared of any wrongdoing, particularly in those instances when an investigation takes years.” However, in paragraph 24 of the Order, the Commission concluded, based on the record that was presented by PRDOE, without any input from DRC, and which “contains no further information on the status of conclusions of that investigation,” that it is appropriate “for USAC to defer action indefinitely on all FRNs involving DRC...” Because of this finding, DRC is entitled to an opportunity to present evidence concerning the so-called investigation by Puerto Rico’s Department of Justice, which was initiated only at the request of the Governor of Puerto Rico for political motives.
5. DRC submits herewith transcripts of the following depositions taken in connection with a related civil proceeding between DRC and PRDOE:
 - Exhibit 1: Adonay Ramierz-Jimenez;
 - Exhibit 2: César Rey Hernández;
 - Exhibit 3: Continuation of César Rey Hernández;
 - Exhibit 4: Anibal Cruz Perez; and

Exhibit 5: Continuation of Anibal Cruz Perez.

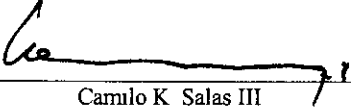
The testimony of those witnesses establish that DRC performed all of its obligations under its contracts with PRDOE and that PRDOE has no evidence of any wrongdoing by DRC.

6. Although two years have gone by since DRC's contracts were cancelled, no findings of any wrongdoing have been made by anyone who has investigated DRC.
7. All of the evidence submitted by PRDOE in support of its petition before the Commission demonstrate that Internet service was not available in the schools of Puerto Rico only because PRDOE did not purchase computers, the schools did not have the appropriate electrical infrastructure, PRDOE did not provide appropriate teacher training, and PRDOE did not properly maintain the equipment. PRDOE cancelled DRC's contract only for political reasons and not because of DRC's performance.

WHEREFORE, DRC prays that the Commission reconsider its Order and allow DRC an opportunity to present evidence in support of its position.

CERTIFICATE OF SERVICE

274 I do hereby certify that I have on this day of Dec., 2003 served a copy of the foregoing pleading on counsel for all parties to this proceeding by hand delivery, U.S. Mail or facsimile transmission


Camilo K. Salas III

Respectfully submitted:

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CAMILO K. SALAS III

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

DATA RESEARCH CORP. - Civil Num. 02-1253
(JAG) c/w
(D.R.C.) - 02-1625 (JAG)
Plaintiffs -
vs. -
SILA CALDERON, -
et als. -
Defendants -
- - - - -

Deposition of:

ADONAY RAMIREZ-JIMENEZ

Taken on the 18th Day of September 2003, at the offices of
John Nevares & Associates, located at 1225 Ponce De Leon
Ave., 15th Floor, Santurce, Puerto Rico. By Mr. Camilo
Salas.

Compugrafia, Inc.
Tels. (787) 708-1821 708-1643

EXHIBIT

1

1 APPEARANCES:

2 For the Plaintiffs

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6 Santurce, Puerto Rico

7 **CAMILO SALAS III, ESQ.**

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24 **ANDRES RAMIREZ-MERCANO, ESQ.**

25 Reichard & Escalera

26 P.O. Box 364148

27 San Juan, Puerto Rico 00936

28 Notary Public: **JOHN NEVARES, ESQ.**

29 Court Interpreter: **LAUREN GARCIA**

1 MR. JOHN NEVARES: Good morning, my name is John
2 Nevares. I represent the Plaintiffs in this case.

3 MR. CAMILO SALAS: Go ahead and swear the witness,
4 please.

5 (AT WHICH TIME THE COURT INTERPRETER, COURT REPORTER AND
6 DEPONENT ARE DULY SWORN IN, BY MR. JOHN NEVARES)
7 Whereupon,

8 **ADONAY RAMIREZ JIMENEZ**

9 After having been duly sworn in, testified as follows:

10 **DIRECT EXAMINATION**

11 BY MR. CAMILO SALAS:

12 Q Mr. Ramirez, I am Camilo Salas, one of the
13 attorneys for the Plaintiffs in this case. We are here to
14 ask you some questions about any involvement that you may
15 have had in connection with providing Internet access
16 services to the various schools in Puerto Rico.

17 I am going to ask you some questions during this
18 deposition. If you don't understand some of any of the
19 questions that I ask you, please let me know, so that I
20 will rephrase or explain the question to you.

21 If at any time during this deposition you wish to
22 stop for any reason, just let me know. If you wish to
23 confer with your attorney at any time during the
24 deposition, let me know.

25 MR. JOHN NEVARES: Let's go off the record.

(OFF THE RECORD)

After the recess,

BY MR. CAMILO SALAS:

Q Finally, Mr. Ramirez, let me tell you that you that you have the right to read and sign the transcript of your deposition, to make sure that it has been properly transcribed. You can tell me now, or at the conclusion of the deposition, if you want to exercise that right.

MR. A. J. BENNAZAR: Yes, absolutely, we want to exercise that right.

BY MR. CAMILO SALAS:

Q Then before we begin, do you have any questions at this time?

A No.

Q Mr. Ramirez, would you please state your name and your address for the record?

A Adonay Ramirez-Jimenez. Do you want my physical address or my postal address?

Q Let's have the physical address, please.

A 44th Street, F-9, Colinas de Monte Carlo, Rio Piedras, Puerto Rico, 00924.

Q Mr. Ramirez, by whom are you employed, sir?

A I have my own company.

Q And what is the name of that company?

A ARJ Professional & Consulting Services.

Compugrafía, Inc.
Tels. (787) 708-1821 708-1643

1 Q How long have you had that company?

2 A Since 1993.

3 Q And what is the business of that company?

4 A To provide services of integration. This is
5 regarding information systems.

6 Q Aside from being the owner of that company, do
7 you do any work in that company?

8 A I am the president of the company.

9 Q Do you actually get involved in projects
10 yourself?

11 A In some cases I do that.

12 Q Were you involved with any projects with the
13 Department of Education of Puerto Rico?

14 A Yes.

15 Q Do you do that by yourself, or do you have other
16 people in your company assisting you in that?

17 A I have people in my company who help me.

18 Q Did any of them assist you with the project at
19 the Department of Education?

20 A In fact, the person is still helping me.

21 Q So, you still are helping the Department of
22 Education?

23 A Yes, sir.

24 Q Who is the other person who is assisting you?

25 A Mr. Miguel Colon-Figueroa.

1 Q What his job with your company?

2 A He is one of my senior project managers.

3 Q Let me ask you a little background. You have had
4 this company since 1993 you say?

5 A Yes.

6 Q When did you start dealing with Information
7 Systems?

8 A After I obtained my Master's Degree in 1976, I
9 started working as a Professor at the Interamerican
10 University, in Rio Piedras. And, I was teaching courses on
11 Information Systems.

12 Q And what was your Master's in?

13 A This is Administration. I got it from the
14 University of Puerto Rico, Rio Piedras Campus.

15 Q And your Bachelor's Degree was in what?

16 A It was in Business Administration, from the
17 University of Puerto Rico, Rio Piedras Campus.

18 Q How long did you teach courses at the
19 Interamerican University?

20 A Starting in 1976, I worked without interruption
21 until 1983, at the University of Puerto Rico. I was a full
22 time Assistant Professor. Then I continued teaching courses
23 at the Sagrado Corazon College. This was until the year
24 2001... until the year 2000.

25 Q Did you work anywhere else during this period of

1 time?

2 A Yes.

3 Q Where?

4 A In 1983, the President of the University of
5 Puerto Rico- no, it was the Interamerican University- asked
6 me to go and work there, initially as a Consultant,
7 regarding the information systems. After that semester,
8 where I taught and I was Consultant to the President, he
9 asked me to take over and be in charge of the Information
10 System of the Interamerican University.

11 Q How long did you do that?

12 A Until the end of 1983. It was June 19, 1989. I
13 was the M.I.S. of the Interamerican University, at a
14 central level.

15 Q What is an M.I.S.?

16 A Manager of Information Systems. I was the Manager
17 of the Information System of the whole university.

18 Q OK. What did you do after 1989?

19 A I accepted after 1989 a contract that the then
20 Secretary of Education, of the Department of Education of
21 Puerto Rico, Jose Lema Molla, offered me. The contract was
22 to be his assistant in the Information System Department.

23 Q How long did you do that?

24 A I started in '89. Mr. Lema Molla resigned in
25 1990. The new Secretary of Education, Professor Celeste

1 Benitez, offered me to stay and to keep the same position I
2 had.

3 Q Until when did you do that?

4 A She left her job in December of 1992. My contract
5 did not expire until June of '93- if I recall correctly.
6 So, I completed my contract, even though she had left,
7 because I was right in the middle of a project. I decided
8 to stay until the end of my contract so I could finish my
9 project.

10 Q After that is when you started your company?

11 A That is correct.

12 Q After 1993, when is the first time that you did
13 any additional work for the Department of Education?

14 A As of July 1st of 2001.

15 Q How did you come to do that work?

16 A The Assistant in Technology of the Department of
17 Education requested me to assist. At that time it was
18 Professor Jose Santana.

19 Q What was it you were asked to do?

20 A They asked me to submit a proposal to be in
21 charge of the project that they were working on, which was
22 the Re-educate Project.

23 Q What is that project?

24 A That project has the purpose of providing schools
25 with an infrastructure of communication, that would allow

1 them to obtain access to the Internet. This was done
2 through lines known as T-1, that would be connected to all
3 the 1,540 schools.

4 Q What was the scope of the work that you were
5 asked to submit a proposal about?

6 A The purpose was to provide access to the Internet
7 through a web to all the schools in the public system of
8 Puerto Rico. I said it 1,540 schools, because at the time
9 that was the number provided- and all the work was taking
10 that number in consideration.

11 Q But what was it specifically that you were being
12 asked to do?

13 A My proposal was that a project manager should be
14 obtained. To employ a project manager who would be in
15 charge of everything- starting from the administration of
16 the project, to act as a project manager for the
17 Department, to coordinate all the tasks of a project
18 manager. For example, work with the suppliers with internal
19 personnel.

20 Q And, did you submit that proposal in writing?

21 A Yes, sir.

22 Q Do you still have a copy of that?

23 A I must have it.

24 Q Would you mind providing us a copy of that
25 proposal?

1 A I have no objection. I would gladly do it.

2 Q Was your proposal accepted?

3 A Of course.

4 Q Is the work that you are currently doing still
5 part of that proposal that was accepted?

6 A Your question has to be qualified. You see, the
7 proposal was for a period of one year, which started on
8 July 1st, 2001, and concluded on June 30th, 2002. Then
9 another proposal was requested from me. I submitted another
10 one, which was accepted. And in that one there was a change
11 in the scope of the work of the project. I cannot say that
12 one was the continuation of the other, because there were a
13 few changes.

14 Q Do you have a problem providing us with a copy of
15 that second proposal?

16 A I will gladly do it.

17 Q Are there any other proposals that were made
18 after that current contract? Is that current contract or
19 actual contract?

20 A The current contract.

21 Q Let me talk first about the second proposal. What
22 was the period of time involved in the second proposal?

23 A It covered the fiscal years starting on July 1st,
24 2002 and ending on the 30th of June of 2003.

25 Q Generally, what was the scope, or the purpose, of

1 that second proposal?

2 A The services of administration of the Re-educate
3 Project are continued. Additionally, the tasks of a project
4 of administration that the Department is carrying on, that
5 had the purpose of providing computer laboratories in the
6 system schools. That is a very complex project. We are also
7 working it. My company is managing it.

8 Q Then after June 30th of 2003, you had another
9 current contract that you are working under?

10 A No, as of July 1st of 2002.

11 Q Did you submit a third bid for that?

12 A Yes, it is required by the Department to request
13 proposals from all their bidders.

14 Q You have to do that every year, I guess?

15 A Yes, sir.

16 Q Do you have a problem giving us a copy of that
17 third proposal?

18 A No problem, I'll gladly do it.

19 Q Thank you. So would it be fair to say that since
20 July 1st, 2001, you have been in charge of the project that
21 involved providing Internet access to these schools in
22 Puerto Rico?

23 A I have provided professional services to the
24 Department for the administration of that project. I cannot
25 say that I am in charge of it, because as you will

1 understand, advisors are consultants. We don't have
2 authority going down the line, we are part of a staff.

3 Q And who do you report to?

4 A To the Director of what was known as OSIADT- it
5 is the Office of Support of Information Systems and
6 Technical Support.

7 MR. A. J. BENNAZAR: To teaching.

8 COURT INTERPRETER: To teaching.

9 BY MR. CAMILO SALAS:

10 Q Do you ever receive any kind of orders or
11 instructions from anyone else in the Department?

12 A No.

13 Q In July 1 of 2001, who was that person that you
14 responded to?

15 A Mr. Jose I. Santana.

16 Q Do you have a recollection of approximately how
17 long he held that job, or how long you responded to him?

18 A It was only for a short while, because Professor
19 Anibal Cruz was appointed very quick.

20 Q How long was Mr. Anibal Cruz there, if you know?

21 A To the best of my recollection he was there the
22 whole fiscal year until June 30th, 2002. And, to my
23 recollection November or December is when he retired or
24 left.

25 Q Which year? 2002?

1 A 2002.

2 Q Who took over the job then?

3 A The advisor in technology, Mr. Santana, takes
4 control until someone else is recruited.

5 Q Is that what happened when Mr. Cruz quit?

6 A Typically, well yes. I continued with the
7 consultation, consulted to and received requests from Mr.
8 Santana.

9 Q And, who took the other job after that?

10 A At this time Dr. Carlos Vidal is there.

11 Q Let's then go back to July 1, 2001. What was the
12 first thing that you were asked to do when you accepted the
13 contract?

14 A Basically, I was very emphatic- and you will see
15 that in the proposal. I explained that the work I was going
16 to do was strictly operational. I was very clear about the
17 scope, and I stated that I wouldn't do anything that had to
18 do with E-rate. I would not and did not want to have
19 anything to do with that.

20 Q Why not?

21 A Because, I had no knowledge about the program,
22 and will not accept responsibilities about something that I
23 don't know about.

24 Q Well, did you in fact end up doing any work
25 related to the E-RATE program?

1 A No, sir.

2 Q What was it that you did when you first got
3 there?

4 A I was going to work with the web, so I had to
5 know what it was all about. I started requesting
6 information.

7 MR. A. J. BENNAZAR: For the sake of clarity, when
8 you say the web do you mean the Re-educate web?

9 DEPONENT: Yes, the Re-educate web, which at that
10 time was called Edu-net.

11 BY MR. CAMILO SALAS:

12 Q You indicated that you had no knowledge about an
13 E-rate program, correct?

14 A Correct.

15 Q Even today you have no knowledge about the E-rate
16 program?

17 A Obviously, I know a little more than I knew on
18 July 1st, 2001. However, I have kept my position that I
19 don't want to get involved with anything that has to do
20 with E-rate.

21 Q Well, didn't the scope of the project for which
22 you already submitted a proposal, provide the
23 infrastructure for communications with Internet access to
24 the schools?

25 A I don't understand your question.

1 Q I think that you indicated earlier that you had
2 submitted a proposal to work in the infrastructure to
3 provide Internet access communications for each of the
4 1,540 schools in Puerto Rico. Is that correct?

5 A Yes. My work, according to the proposal of 2001,
6 was to manage the project regarding the web.

7 Q Isn't it true that that net was, at least in
8 part, built with E-RATE funds?

9 A Yes, it is true. But, we have to separate things.
10 If I am the project manager from the operational point of
11 view, I have to see how the infrastructure is, how the
12 equipment is going, if those services are being provided.
13 And of course, the financial aspect- well, yes, they did
14 tell me- that is why I told you that I started learning a
15 little bit. It was so that the funds to raise that line on
16 the net were being obtained by the School and Library
17 Division. I didn't know about it. I started learning. I
18 started reading the information available, but there was
19 nothing. There was nothing, nothing at all. It was a
20 disaster.

21 Due to that I decided to start going to the streets to
22 visit the schools, call the suppliers, establish meetings,
23 itineraries. Because, as part of the proposal that was
24 submitted for that year I had been asked to perform a task
25 from purely, only the operational aspect of the net. It

1 consisted on providing a report to the Department of the
2 conditions information on the operational point of view of
3 the net.

4 Q If I understand you correctly, you did not want
5 to be involved with where the funds came from?

6 A I did not. I wanted to clearly separate my
7 functions as the administrator of the project from the
8 financing of the net. Obviously, of course, if you are
9 involved in that work, while you work you talk about E-
10 RATE, about SDL, about the contracts, about these proposals
11 of the suppliers, of Phase 1, of Phase 2. About what is
12 Phase 1, what is Phase 2. Of course, from a rational point
13 of view, that is what any person who is going to manage the
14 project would do- to learn about it.

15 Q So, when you got involved in the project you were
16 learning certain terms and things about the E-RATE program?

17 A As a product of my work as Net Administrator,
18 yes.

19 Q But, you never really became deeply involved with
20 the financing of the equipment and everything needed for
21 the net work?

22 A I don't understand.

23 Q Let me restate the question. During your work you
24 never became deeply involved in the financing of the
25 equipment that was used with the net?

1 A No. Not deeply.

2 Q So, you are told that the first thing that you
3 were asked to do was to provide a report, if you would, on
4 the status of this net, right?

5 A Yes, sir.

6 Q And you did in fact render a report dated
7 September 18th, 2001?

8 A Yes, sir.

9 Q Did you bring a copy of that report?

10 A Yes, sir.

11 Q If you don't mind, so that my copies will be
12 complete- I am missing pages 1 thru 4.

13 MR. A. J. BENNAZAR: Can we go off the record for
14 a second?

15 MR. JOHN NEVARES: Yes.

16 (OFF THE RECORD)

17 After the recess,

18 BY MR. CAMILO SALAS:

19 Q OK, Mr. Ramirez, let's go back on the record
20 here. We have a copy of your report, dated September 18th,
21 2001. Let me ask you a few questions about that report?
22 First of all, who did you submit a report to?

23 A It was submitted to Prof. Anibal Cruz.

24 Q Just in general, what are the various sources of
25 the information that you received to prepare this report?

1 A I tried to obtain information- and I'll tell you
2 again- it was a job that was totally useless, because there
3 was no information available. I got to an office, there was
4 nothing there. I asked for the proposals from the
5 suppliers, nothing appeared. I was informed that there was
6 a person who worked with Internet, Mirabel Cedeño. I went
7 to her. At least she started talking to be about the
8 project. That happened during my first days. She started
9 talking to me about everything- about E-RATE, about Phase 1
10 and Phase 2, what the difference was between both of them.
11 That there were 680 schools under Phase 2, and 640 under
12 Phase 1. I asked her, I said, "Well, if you have the
13 electronic files of those schools I need them". I also
14 asked her about proposal, contracts with the suppliers.

15 And, no, there was nothing. I was not provided with
16 anything. There were no documents. It was a total lack of
17 documents. That wasn't enough for me, so I continued
18 searching. I finally got the contracts that were made with
19 the suppliers. I wanted to know more- for example, about
20 the equipment provided- in terms of what had been
21 contracted, what had been delivered, what had not been
22 delivered, which schools were connected, which were not.
23 But, it was something critical, because there was a lack of
24 information of such a nature that I opted for the following
25 strategy.

1 I summoned the suppliers involved in the project to a
2 meeting. All of them. I was there and I explained to them
3 what was the work I was to perform there. I told them that
4 we would immediately start holding periodic meetings. I
5 started asking information from them. I asked them to state
6 their positions regarding the project. I met the persons
7 who were representing the companies, regarding the work
8 that they performed in their own proposals in the projects
9 with the Department of Education. During that same meeting
10 I requested to prepare to form a work team from all the
11 companies, and that I wanted a work team in order to
12 recuperate- or let me put it this way- to obtain a group
13 and to get the project going to provide Internet access. To
14 have 100 of those schools with Internet access.

15 Why 100? Because, after that time that I had been
16 there, my first weeks, I didn't even have knowledge if any
17 of the schools had access or not. I was told that some of
18 them did- that two or three did. I got very, very confused,
19 because the people with whom I spoke, and that lady Ms.
20 Cedeño, would tell me we had 300 schools on in Phase 1. I
21 said, "Well, what is meant by "on"?". Another said, I have
22 X numbers up, but it was something that it wasn't precise.
23 You really couldn't understand it. During that meeting that
24 group accepted to create a work team. For the record, there
25 were personnel from PRTC; personnel from Data Voice- which

1 was a subcontractor from PRTC; personnel from DRC;
2 personnel from Microsoft; personnel from Camera Mundi. All
3 these persons to create a work team.

4 We chose 100 schools. We took upon ourselves the task
5 of visiting the schools, and to try as well as we could-
6 using everything available- to provide access to the
7 Internet. During the process of "implanting", like I call
8 it, those 100 schools, I was able to observe and confirm
9 that what I was starting to feel according to all the years
10 of experience had managing these projects, that the
11 situation was chaotic. That net was on the ground. Everyday
12 I asked them to e-mail information from everyone. I would
13 e-mail, and some of them would call me back on the phone.
14 We worked intensely during the whole month of July. Then at
15 the end of the month we scarcely had 63 schools.

16 We had problems, because some of them were up
17 today, then tomorrow they would call me and say that the
18 one that had access to the Internet yesterday did not have
19 access to the Internet today. The dynamics of it was very,
20 very hard. I kept gathering the information, I visited
21 schools. I told the Director, I'm going to go see schools.
22 This thing about being told about it- no, I want to go
23 personally and see it myself. I visited schools in Cataño,
24 Francisco Oller; another one- Anofre Carballeira; Sofero
25 Figueroa, in University Gardens. And really, I would find

1 situations that in a project of this nature are
2 inconceivable.

3 For example, something that called my attention
4 immediately was the location of the cabinet where you
5 install the communications system. For example, if this
6 were a classroom, you have windows- but not windows of
7 glass that are sealed like the ones you have here- but the
8 regular ones, like the ones you have at your home and at
9 schools. If I am going to set up a communications cabinet,
10 something electronic, extremely sensitive to dust and
11 water- it was located right next to the window. I said to
12 myself, what is this? The servers on the ground. They were
13 just thrown there on the floor. Worse still, going back to
14 the electronic equipment, power is fundamental. This
15 microphone doesn't work unless it is connected. But, if in
16 order to connect this I have to go over there to that
17 door... right there I have a problem.

18 So, they put the cabinets and the servers around.
19 So, when I started looking around the room for the plug, it
20 was over here.

21 MR. A. J. BENNAZAR: May the record reflect that
22 with his hand he pointed to the opposite direction of the
23 room.

24 DEPONENT: That is correct. It was unacceptable.
25 They would take a 100' electrical extension cord- you know

1 the kind that are orange in color. They would get it up,
2 they would put it over, for example, over the blackboard. It
3 was just laid on the edge of the blackboard in order to get
4 it over to the other side of the wall where the electrical
5 plug was. What is even worse, they would go through the
6 frame of the doors. They tried to just hold it there. I
7 remember a case, until finally it got to the plug. But what
8 happens? They would reach the plug, and since the extension
9 cords were 100' long, there was extra cord. They would try
10 to make like a bundle. But, what happens is you get to the
11 plug, you plug it in, and there is a little bit of cable
12 left. So what do you do with the extra cable. You start
13 getting it all together, and you make like a bundle- you
14 have the bundle hanging there. But, what happens? The bundle
15 is heavy, and it's going to get all loose and unplug. That
16 was the Home Economics room. So what do they do? They take
17 the ironing board, they put it against the wall and put the
18 bundle on top of it. It was plugged in. By keeping the
19 bundle on top of the ironing board, the plug would not
20 unplug.

21 That box- if you ask any school director or
22 teacher about the box- they call it the black box. So, I
23 found black boxes in, for example, extremely small rooms.
24 And in rooms of disabled children, with Special Education
25 needs. In kindergarten rooms. Then I went, for example the

1 kindergarten room, and the teacher said, "Look. I have to
2 remove that desk from there, because when the kid moves and
3 gets out he can get hurt. So, take that box out of here".

4 Then the calls that I would receive. I found boxes
5 in the school cafeteria. I received calls from teachers that
6 said, "Look, they put it up, and there is water leaking in
7 that room. That equipment is getting wet." Black boxes under
8 air conditioning units. And of course, because of the
9 density and the water, it would drip and get the equipment
10 all wet. When I asked whether the T-1 was activated, no one
11 knew anything.

12 Then we did some tests, because there were some
13 schools under Phase 1. That's through the telephone, because
14 they had a telephone they would get through to a technician.
15 And I have to say this. That was called, "Voiceover IP". In
16 order to know whether a line was up or not through a
17 telephone I would be able to get through the central offices
18 dialing four numbers. There was equipment off, UPS's off,
19 servers off. With the UPS's we found a very delicate
20 situation. UPS in Spanish- which I have to say in English-
21 is an Uninterruptable Power Supply. But, obviously you have
22 to plug that, because what that does is, if the electricity
23 goes off you have to keep the energy, and it through a
24 battery. The way you do it is you plug it in, and the system
25 has two, three of four. You put them there to protect them.

1 What happens if you have four servers or four computers- one
2 here, another one here, and another one here, and you have
3 four UPS's? Then you should have a source of power in order
4 to connect each one to each one of those systems.

5 So, what would the technicians do? They would have
6 only one, so they would put one on UPS, and then put the
7 other on top of the other, and the third and fourth. And,
8 from the four they had one that wasn't in the series, and
9 the other was not connected. If there was a short-circuit,
10 which would happen frequently, what would happen? If the
11 first one burnt, all the others burnt also. That is a bad
12 installation. It's not a matter of if it is a bad
13 installation. It violates all the electrical codes. The
14 Directors would call, "I have a fire, Some boxes I have
15 caught fire." That was one of the reasons.

16 I don't want to go on giving you samples, because
17 we won't get through.

18 Q Yes, but I would like to hear all the problems.

19 A Well, I kept up with the meetings so that I was
20 able to get a plan of action. That allowed me to provide
21 Internet access to schools under both Phases. I was focused,
22 and what I followed was one weekly meeting. We selected a
23 date and time, so that all suppliers would know that was the
24 date and time of each meeting. With all formalities of a
25 meeting. We prepared agendas and we started preparing

1 minutes of the meetings. The focus- although, it wasn't very
2 pleasing to many of the suppliers- was to ask for
3 accountability.

4 We started creating some channels of communication
5 directly to the Project Manager of each of the suppliers.
6 All the calls that I received from the School Directors- and
7 there were hundreds of them- I tried to channel them. You
8 see, you get a call from Lares, and it says, I have some
9 boxes here that are on fire. I would try to find out
10 immediately if it was a Phase 1 or a Phase 2 school. I would
11 immediately call the Project Manager in charge of that
12 school. For example, if it was a Phase 2 school, I would
13 call Mr. Ricardo Reyes, who was the Project Manager for DRC.
14 If it was a Phase 1, I would call Mr. Arnaldo Diaz. If it
15 was a problem with programming, in terms of the
16 configuration of the servers, on many occasions I requested
17 the services of Microsoft. That way I tried to provide some
18 organization, and to create a structure. I told the Director
19 to try to obtain better services form the support team,
20 the----

21 Q ----I think that "Help Desk" was something
22 specific.

23 A The support team for the Help Desk. Basically, in
24 order to explain it again, OSIADT has the service- it gives
25 technical support. It can be on the phone or physical

1 assistance. If they have to they go to the schools to take
2 of, for example, technical problems. I kept reading. The
3 contracts finally arrived. I started in mid-August. I had
4 enough information- data, visits, phone calls. I want to
5 clarify what information. It was information that I
6 obtained. For example, getting in touch with the companies
7 and telling them that I need an inventory of all the
8 equipment that you have provided or taken to the schools. I
9 told them, I need you to give me the identification number
10 of every line of communication. I kept on requesting
11 information, which allowed me to be more effective in, for
12 example, help calls. Just so you have an example of this.
13 Have you seen these books that secretaries use? They sit
14 down and take all the phone calls. I would classify them by
15 type of school. For example, here it says Ricardo Reyes.
16 That was August 8th, 2001. I was called from the Blanca
17 Malaret School. I would write down the school code, and the
18 situation. Servers are inboxes. In other words, they got
19 there, they left them, they dropped them off, and that's it.

20 Another example- Ricardo Reyes. August 9th, 2001.
21 The Jaime E. Rodriguez School in Yabucoa. The school number,
22 the school phone. In the matter I would write here- "one
23 extension cord attached to another extension cord, in order
24 to arrive to the room." I am not going to read all of them.
25 In other example, Francisco Fagundo School: phone number-

1 "equipment was burnt." Ricardo goes to investigate, to see,
2 for example, if it was in the UPS. So you see that it was
3 difficult.

4 August 16th, 2001- Ricardo Reyes. Maria Libertado
5 Gomez School: "The room where the computer equipment is
6 flooded." Manuel Negrón School. The woman I got in touch
7 with- she called me or I called her- was Mrs. Sanchez-
8 Ortero. "Move the servers from the Special Education room.
9 That cannot be there." Juan Carlos Correa- is another
10 employee of DRC. Free Special Education Vocational School:
11 "They left the equipment in front of the entrance to the
12 room and left." Should I go on?

13 Q Yes.

14 A Eugenio Maria de Hostos School: "Computers
15 installed under air conditioners, and they got wet."
16 Telephone 761-0860. Ricardo Reyes- September 7, 2001. Paul
17 S. Miller School: "The computers are going to be installed
18 in the school dining room. This can't be done." That's what
19 they are telling me. Antonio S. Pedreira School: 760-2085,
20 is the phone. "Computers near the window. They get wet."
21 Fairview: 761-3280. And I have to laugh, because this one is
22 funny. I didn't see it, but you can just imagine it. They
23 take the computers out of the boxes, then they take the box
24 and use it as a desk. It says here, "Computers installed on
25 top of empty boxes". Andres Valcarce School: "Computers full

1 of ashes."

2 What I would do is take it, make phone calls, save
3 e-mails. Certainly, the companies- and I am not going to say
4 it- that they just don't respond and left things the way
5 they were. I got e-mails. And as usual, for everything there
6 is excuse. There is an answer for everything. My position
7 is, in a project of this magnitude involving so many
8 millions of dollars, there is a social responsibility on the
9 part of the companies that has to go beyond the mere fact of
10 doing business. I did not see that.

11 Q Let me ask you some specific questions now. In the
12 case of the computers that were placed on top of the boxes,
13 was that better than putting them on the floor?

14 A It was riskier, because of the weight. If they
15 fall they would be destroyed. If you put them on the floor
16 at least it will not fall. They each have their own risks.
17 This one is riskier. If you ask me which one has more risk-
18 in order to place such costly equipment... you have two
19 servers that you are going to put with four connectors on
20 cardboard boxes- it is obvious that it is going to get loose
21 and that it will fall and break.

22 Q At the very beginning of the deposition you listed
23 one of the problems that you thought existed was that the
24 servers were found on the floor in some schools.

25 A Yes, sir. Not some, many- many of the 6000 servers

1 are thrown on the floor.

2 Q OK. On the floor is no good, and top of the boxes
3 is no good?

4 A True.

5 Q So, you would prefer to put them on some kind of
6 table or something like that?

7 A The Department did everything.

8 Q When?

9 A We have to qualify this. Something that I say in
10 this report is that there wasn't a minimum, a minimum, of
11 planning for this project. This was a matter of just get
12 going, just put that there and connect the servers.

13 Q In other words, the Department of Education should
14 have hired you two years earlier, is what you are saying? Or
15 somebody like you to plan?

16 A No, sir, I am not saying that. I am saying that
17 the project lacked all kind of planning. Even from the
18 suppliers. And, yes, the Department had it's responsibility,
19 it's fault. I say so here in the report.

20 Q With respect to the servers being on the floor,
21 you would have preferred that they be on some type of table
22 or some type of equipment that would keep them off the
23 floor?

24 A That is my recommendation.

25 Q Let me ask you two questions. Do you know if

1 before you got to the Department of Education, if the
2 Department of Education had provided any type of table or
3 any other means of lifting the servers off the floor?

4 A I suppose so, because in many of the visits I went
5 and saw servers placed on top of tables.

6 Q Couldn't that be that the people found tables in
7 some schools, put the servers on tables in those schools,
8 and in some schools there were no tables, so they put them
9 on the floor?

10 A Yes, but I want to tell you something. Myself, in
11 a project of this nature, being aware of the cost of what I
12 am providing- we are talking about thousands and thousands
13 of dollars per school. One system- the router costs \$5,000,
14 the server \$5,000, and there are four. I would go and tell
15 the suppliers, "How is it possible that you come here and
16 all you do is just put the servers there, and leave the
17 equipment, in order to "comply" with the project? How is it
18 possible that you just go there and leave that thrown
19 there?"

20 Q Who? Go ahead.

21 A I'm not done. My position is... and I'm going now
22 to the point of accountability of the companies. I am not
23 going to leave there. Talk to the Director. They say, 'Well,
24 the Director told me to do that.' No, then call the Director
25 at the Central Office. They don't accept when you want it